

Agricultural Marketing Service
Office of the Deputy Administrator for Marketing Programs
Fruit and Vegetable Programs
PACA Branch
National License Center
Legal Instruments Examiner (Office Automation)
License Assistant
GS-0963-6/7

I. INTRODUCTION

The Branch is responsible for administering the PACA, which is designed to prohibit unfair trading practices in the marketing of fresh and frozen fruits and vegetables. Firms that are subject to this Act are licensed on an annual basis.

This position is located in the Manassas, Virginia (national) office of the Perishable Agricultural Commodities Act (PACA) Branch. The incumbent serves as a Legal Instruments Examiner responsible for carrying out technical duties related to the licensing functions in the office including prospecting, reviewing applications, issuing licenses, processing bonds, processing license renewal applications, and maintaining the license records in the office.

II. DUTIES AND RESPONSIBILITIES

Researches, reviews, and analyzes trade journals, customer lists, broker books, internet Web sites, etc., to identify and develop sources for prospective licensees. Prepares and issues letters notifying the individual or company of licensing requirements and procedures. Reviews responses from those industry members claiming that they are not subject to the PACA licensing provisions, determines if a license is required, and informs the prospective licensee. Provides license application and follows up to ensure that a license application is filed when appropriate, and if not, refers the matter to the supervisor for further action, including information to determine when investigative trips are necessary. Provides needed information to marketing specialists in travel status. Records and updates information regarding license prospects in the Branch database.

Reviews license applications and accompanying data to determine accuracy and completeness of forms. Searches the Branch computer database to confirm information and resolves discrepancies between information in the file and that submitted with the application. Obtains additional information from the applicant, as needed. Calls problem areas to the attention of the supervisor. Generates a fee transmittal and deposits the license fees to the lock box in a timely manner. Follows up to obtain replacement of any insufficient fund checks. When fees are paid with a credit card, obtains a credit card authorization number.

Recommends issuance or denial of licenses to supervisor. Enters data from a completed license application into the Branch's automated database and issues a license in accordance with

established procedures and guidelines.

Generates license renewal correspondence and processes incoming renewal applications, including review for proper fees, complete information, and possible changes in legal structure. Contacts licensee to obtain additional or clarifying information, as needed. If it is determined that a new license is required, follows through to obtain an accurate and complete application. Enters information into the Branch database.

Reviews a variety of documents in the course of accomplishing assignments, including complaint forms, business records such as corporate charters, articles of incorporation, articles of organization, operating agreements, financial statements, bankruptcy records, court documents dealing with felony convictions, prior affiliation records, initial complaint forms, historical complaint records and license applications.

Prepares non-routine correspondence for signature by the supervisor, and personally signs routine correspondence.

Maintains national licensing records on the approximately 15,000 licensees and electronic data base files on prospects and violators. Monitors trade sources on a regular basis to identify changes on existing licenses. Contacts licensees to obtain appropriate information in order to update their license. Records and updates license information in Branch database in accordance with established policies, procedures, and guidelines. If a determination is made that a new license is required follows through to obtain application. Brings unusual circumstances to the supervisor's attention.

Responds to phone inquiries from licensees, trade associations, and government organizations regarding the status of license applications and licensing and bonding requirements under the law.

Provides training and guidance to office personnel on license matters relating to current procedures and changes to procedures.

Handles various administrative duties as assigned such as filing license related correspondence and documents; generating reports, correspondence, and certificates; and updating the Branch database.

Adheres to Equal Employment and Civil Rights policies, goals, and objectives in performing the duties of the position. Assures that written and oral communications are bias-free and that differences of other employees and clients are respected and valued.

III. FACTORS

1. Knowledge Required by the Position

Thorough familiarity with all rules, regulations, Branch policies, procedures, and precedents

covering licensing requirements under the PACA as well as relevant court decisions, and various state laws that regulate corporate, partnership and limited liability structures. Ensures that Branch has most up-to-date information regarding State requirements with respect to various legal entities.

Knowledge and ability to review and interpret various legal and complex business documents submitted in connection with license applications, bonds, and reparation complaints.

Possesses a good working knowledge of the fruit and vegetable industry, including the trade customs pertinent to major commodities, the seasons of growing and harvesting for different production areas, and the availability of itinerant trade members in those areas. Knowledge of the industry must also extend to the distribution areas and covers such diverse factors as the emergence of cooperative retail stores, growth in food service systems, and the buying practices of local and state hospitals and school systems.

A thorough working knowledge of the Branch's automated database is required in order to enter, maintain, access and utilize license files and other data in accordance with established procedures and guidelines. Knowledge of all functions of the office is necessary in order to provide suggestions for procedure or policy changes that would increase efficiency.

Ability to communicate orally and in writing with the trade in order to respond to inquiries and provide information.

Ability to analyze available information and develop new information sources to pinpoint prospective licensees.

Skill in operating a microcomputer for word processing and related functions to prepare own correspondence when necessary and to prepare information for dissemination to marketing specialists. A qualified typist is required.

2. Supervisory Controls

The employee works under the general supervision of the Section Head or Assistant Section Head and handles all but the most complex issues and matters that arise. The employee is responsible for the complete review and examination of original and renewal applications from start to finish including planning own work, coordinating work with others, and resolving problems in accordance with policies, work practices, and various instructions. Controversial cases involving the denial of licenses are referred to the supervisor or a senior marketing specialist. Completed work assignments are spot checked for conformance to policy and the degree to which overall expectations are achieved.

3. Guidelines

Guidelines consist of enabling statutes as well as a variety of Branch, Division, and Agency regulations, policies and procedures. Guidelines also include USDA and court precedent

decisions involving contracts, agency, and fair trade practice, as well as bankruptcy laws and various State laws. In addition, the incumbent must have good knowledge of the various state laws governing corporate and partnership structures. The incumbent interprets and applies the guidelines to a variety of different situations. The employee adapts the guidelines to specific cases and one-of-a-kind situations. New interpretations and adaptations are discussed with the supervisor or higher graded marketing specialist prior to application. The employee must be able to locate, gain access to, and use all types of publications, studies, trade journals, and other material generated within the food industry to locate potential PACA licensees.

4. Complexity

The licensing cases range from simple to complex. There is no prescreening function. The incumbent must have sufficient knowledge to determine which case files require interpretation by the Section Head, Assistant Section Head, or senior marketing specialist. The interpretations to be made require extensive review of documents. Determinations are based on consideration of the PACA regulations and various state laws. At times, it will be necessary for the employee to review more complex case files involving a greater range of legal instruments or conflicting jurisdictions on the basis of the specific instructions and guidelines furnished by the supervisor.

5. Scope and Effect

The work is vital to the administration of the law. Licenses serve as the key to enforcement of the fair trading practices required by the PACA. The purpose of the work is to examine original and renewal applications and ensure accuracy, completeness, and compliance with governing provisions (the PACA). Errors as to the identity of a person, incorrect examinations, or faulty entry of data into the Branch database can cause great embarrassment and severe financial injury as the license serves as an indication of financial and moral responsibility. The issuance of a license in error to a person or firm under sanction can seriously hinder the regulatory responsibilities of the Branch.

F. Personal Contacts

Contacts are with Departmental, Agency, Program, and Branch employees and persons outside the Department including prospective licensees in the fruit and vegetable industry, attorneys, state or city officials, and others who may provide license information. These contacts will require tact and diplomacy as well as sufficient expertise to obtain the information required. On occasion, the incumbent may be required to travel within commuting distance of the office in contacting state and bankruptcy officials, fruit and vegetable commission merchants, brokers, and dealers.

G. Purpose of Contacts

Contacts are for the purpose of obtaining or providing information necessary to the administration of the licensing provisions of the PACA. Trade members can be extremely hostile or argumentative when confronted with the necessity of obtaining a license. To explain

laws, regulations, programs and policy and to answer questions that go beyond procedural aspects.

H. Physical Demands

The work is sedentary. There may be some walking, standing, bending, and carrying of light items such as papers and files.

I. Work Environment

The work is performed in an office setting.